

Senate Study Bill 1127 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act relating to certain public safety personnel engaging
2 in charitable solicitation on public roads and streets and
3 making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 13C.1, Code 2015, is amended by adding
2 the following new unnumbered paragraph before subsection 1:
3 NEW UNNUMBERED PARAGRAPH. For the purposes of this chapter:
4 Sec. 2. NEW SECTION. **13C.4 Authorized solicitation —**
5 **roadways.**

6 1. A governmental subdivision of this state shall not
7 prohibit a charitable organization from soliciting for
8 charitable purposes in a road or street, as defined in section
9 306.3, in that governmental subdivision if the charitable
10 organization complies with the following requirements:

11 a. The charitable organization files an application with
12 the clerk of the governing body of the governmental subdivision
13 no later than ten business days prior to the date when the
14 solicitation will commence. For an application to be valid
15 under this paragraph it shall to include all of the following:

16 (1) The dates and times of day when the solicitation is to
17 occur.

18 (2) The location on any road or street where the
19 solicitation is to occur.

20 (3) A description of the manner of solicitation and the
21 conditions under which the solicitation is to occur.

22 (4) An acknowledgment that the charitable organization will
23 comply with the provisions of paragraph "b".

24 (5) Proof of a valid liability insurance policy, as
25 described in paragraph "c".

26 b. The charitable organization restricts the persons who
27 will be conducting the solicitation to peace officers, fire
28 fighters, emergency medical services providers, or other
29 persons employed, or who volunteer, to protect public safety
30 for or by that governmental subdivision.

31 c. The charitable organization provides the governmental
32 subdivision with proof of a valid liability insurance policy
33 of at least one million dollars, insuring the charitable
34 organization and the governmental subdivision against bodily
35 injury claims and property damage claims arising out of or in

1 connection with the solicitation described in the application.

2 2. The clerk of the governing body of a governmental
3 subdivision shall review an application submitted pursuant to
4 subsection 1, paragraph "a". If the clerk determines that the
5 application is valid, the clerk shall approve the application
6 within five business days following receipt of the application.

7 Sec. 3. Section 331.301, Code 2015, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 17. A county shall not adopt or enforce an
10 ordinance imposing any restriction contrary to the provisions
11 of section 13C.4.

12 Sec. 4. Section 364.3, Code 2015, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 11. A city shall not adopt or enforce an
15 ordinance imposing any restriction contrary to the provisions
16 of section 13C.4.

EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill prohibits cities and counties from restricting
21 certain public safety personnel from charitable solicitation in
22 roads and streets under their respective jurisdictions.

23 The bill provides that a governmental subdivision of
24 this state shall not prohibit a charitable organization
25 from soliciting for charitable purposes in a road or street,
26 as defined in Code section 306.3, in that governmental
27 subdivision if the charitable organization complies with
28 certain requirements. The bill requires that the charitable
29 organization file an application with the clerk of the
30 governing body of the governmental subdivision no later
31 than 10 business days before the date when the solicitation
32 will commence. The clerk of the governing body is required
33 to review and, if the application is valid, approve the
34 application within five business days following receipt of the
35 application.

1 A valid application is required to include the dates and
2 times of day, the locations, and a description of the manner
3 of solicitation, along with a description of the conditions
4 under which the solicitation will occur. The bill requires a
5 charitable organization to restrict the persons to be engaged
6 in soliciting in a road or street to only peace officers,
7 fire fighters, emergency medical services providers, or
8 other persons employed, or who volunteer, to protect public
9 safety for or by that governmental subdivision. The bill
10 further requires the charitable organization to provide the
11 governmental subdivision with proof of a valid liability
12 insurance policy of at least \$1,000,000 that insures the
13 charitable organization and the governmental subdivision
14 against bodily injury claims and property damage claims arising
15 out of or in connection with the solicitation.